

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS, BEAUMONT DIVISION

COALITION FOR WORKFORCE)
INNOVATION, ET AL.,)
PLAINTIFFS)

Case No. 1:21-cv-00130-MAC

v.)

VINCENT N. MICONE, III, ET AL.,)
DEFENDANTS)

**PLAINTIFFS' RESPONSE IN OPPOSITION TO
DEFENDANTS' MOTION FOR SECOND CONTINUANCE**

Pursuant to FRCP 7 and Local Rule CV-7, Plaintiffs hereby submit this response in opposition to Defendants' Motion for Second Continuance of Status Conference.

Plaintiffs respectfully submit that the Court should proceed with the status conference as scheduled on March 3, 2025. In an effort to accommodate Defendants during a period of transition, Plaintiffs did not oppose Defendants' first request for a continuance of the status conference "to early March." ECF No. 108. But the parties' cross-motions for summary judgment have been fully briefed since July 5, 2024, and Plaintiffs cannot consent to Defendants' latest request for a further continuance "until at least April 2" unless DOL agrees to exercise its discretion to withhold enforcement of the 2024 Rule in the meantime.

Defendants have rejected Plaintiffs' request to withhold enforcement without explanation. ECF No. 111. In so doing, Defendants have tacitly confirmed that the 2024 Rule has real and present impact, contrary to their contention that Plaintiffs and their members lack injury sufficient to support standing. Defendants' Rule continues to inflict significant injuries on Plaintiffs every

day it remains in force. *See* ECF No. 88 at 2-6 (detailing injuries). Under the circumstances, it would be profoundly unfair to delay adjudication of the parties' cross-motions for summary judgment while the rule remains in effect. Therefore, Defendants' motion for a second continuance should be denied and the conference should proceed as scheduled.

As noted in Defendants' motion, Plaintiffs do not oppose Defendants' request that counsel be permitted to appear remotely at the status conference before the Court.

Respectfully submitted,

Date: February 21, 2025

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